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SECRETARY.

Leave of absence not allowed to  
government employees stationed outside  
of Washington.

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UNITED STATES DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY.

Washington, D. C., October 21, 1896.

LEAVE OF ABSENCE NOT ALLOWED TO GOVERNMENT EMPLOYEES STATIONED  
OUTSIDE OF WASHINGTON.

Inasmuch as some misunderstanding seems to exist as to the authority to grant leave of absence to certain employees of the Department of Agriculture and as to the right of certain officers of the Department to grant such leaves, the attention of all officers, clerks, and other employees of the Department is hereby called to the following decision of the Attorney-General of the United States upon this point.

In order to definitely settle the question, it was, on October 14th, instant, duly submitted to the Attorney-General, and in reference thereto that officer addressed to the Secretary of Agriculture, under date October 17, 1896, the following letter:

SIR:

I have the honor to acknowledge your communication of October 14, asking my opinion whether the provisions concerning annual leave and sick leave in the legislative act of March 3, 1893 (ch. 211, sec. 5), apply to employees of your Department employed outside of this city. This question has already been settled in the negative (21 Op. 338), and I so advise you.

Very respectfully,

(Signed) JUDSON HARMON,  
Attorney-General.

Reference to the opinion cited in the above letter (see page 340 of the "Official Opinions of The Attorney-General of the United States, Advising the President and Heads of Departments in Relation to Their Official Duties," Vol. XXI, Part 2) shows the question whether the provisions of the statutes of 1893 describing the clerks and employees to whom leave of absence may be granted relates to all employees whether located at the seat of Government or elsewhere, to be answered in the negative. The opinion concludes as follows:

As already stated, the persons affected by the act of 1893 were intended to be the same as those affected by the act of 1883, and by the settled executive and legislative construction of the former act its operation is confined to clerks and employees in this city.

It is clear, therefore, that the head of this Department has no legal right to grant leave of absence with pay to anyone in the service of the Department employed outside of Washington, D. C., nor, necessarily, can such a right be allowed to any officer of the Department. This is not a question of judgment but of law, of which no evasion can be permitted. Officers of the Department in charge of stations will see that this information is communicated to their subordinates.

*W. Sterling Morton*  
Secretary.

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